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BAY AREA RAPID TRANSIT DISTRICT

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Defendant Bay Area Rapid Transit District (“BARTD”) hereby gives notice of the following modifications to its memorandum of points and authorities in support of the instant motion.

1. The reference at page 2, Line 5 to "BARTD and its employees" is changed to "Bay Area Rapid Transit District Police Department and Officer Ken Dam".

2. The reference at page 2, Lines 6-7 to "defendant Bay Area Rapid Transit Police's" is changed to "Bay Area Rapid Transit Police Department and Officer Ken Dam's".

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3. The reference on page 3, Line 25 to "BARTD and other defendants" is changed to "Bay Area Rapid Transit Police Department and Officer Ken Dam."

4. The reference on page 3, Line 26 to "BARTD and its employees" is changed to "Bay Area Rapid Transit Police Department and Officer Ken Dam."

5. Any and all references to Bay Area Rapid Transit Police's Motion for Summary Judgment/Partial Summary Judgment are meant to indicate Bay Area Rapid Transit Police Department and Officer Ken Dam's Motion for Summary Judgment/Partial Summary Judgment.

6. Any and all references to Bay Area Rapid Transit Police or BARTD Police are meant to indicate Bay Area Rapid Transit Police Department.

7. The passage starting on page 7, Line 11, "In the case at bar, plaintiff is simply trying to re-sue BARTD for alleged conduct relating to his July 9, 2003 arrest" **is changed to** "In the case at bar, plaintiff is simply trying to re-sue for alleged conduct relating to his July 9, 2003 arrest."

Dated: June 22, 2007.

LOW, BALL & LYNCH

By _____ /s/ Dale L. Allen, Jr.
DALE L. ALLEN, JR.
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